



# Cottage Food Frequently Asked Questions

**Q: Are Cottage Food Operations inspected?**

A: No, Cottage Food Operations are not inspected, unless there is a complaint or illness investigation.

**Q: What cottage foods am I permitted to produce?**

A: Only specific foods that are defined as “non-potentially hazardous” are approved for preparation by CFOs. These are foods that do not require refrigeration to keep them safe from pathogens. Pathogens are germs that can make people sick.

**Q: How much will the registration cost?**

A: There is a one-time registration fee of \$40.00. However, if the location of the operation moves, or additional recipes and labels are submitted, the operator will be required to re-register and pay the fee.

**Q: Is the Farmer’s Market exempt from having to have the cottage food license?**

A: If you only plan on selling goods that are on the Farmers Market exemption list and you are only doing it at a Farmers Market then you do not need to register as a Cottage Food Operation.

**Q: Can I make Pumpkin Butter? It is sold in the stores and I have a great recipe.**

A: Maybe. Due to the pH of pumpkin and the variations in how it is made, you would be required to have the recipe tested to determine if it is non-potentially hazardous.

**Q: What about cotton candy? Candy mints?**

A: Yes, cotton candy and most candy mints are acceptable. They must be non-potentially hazardous foods, therefore, ingredients like cream cheese would not be allowed.

**Q: Are all pies allowed?**

A: Many pies are allowed, however, potentially hazardous pies such as some pumpkin and cream pies are not allowed since they support pathogenic growth and therefore require refrigeration.

**Q: Would specialty baked items be allowed (like gluten free and dairy free using almond or coconut flours and milks)?**

A: Yes, but only non-potentially hazardous baked goods are allowed. Certain baked goods are actually potentially hazardous, for example, some pumpkin and cream pies, cheese cakes and pastries will support pathogenic growth and therefore require refrigeration.

**Q: Will cakes and cupcakes be allowed with butter cream frosting?**

A: Only butter cream frosting that does not require refrigeration, for instance, if the recipe uses shortening instead of butter.

**Q: Are freezer jams or jellies allowed?**

A: No, products that must be stored in the refrigerator or freezer are not allowed.

**Q: Can I make candies like rum balls with alcohol?**

A: Yes, however, if there is no heat treatment to “burn off” the alcohol, the product will need testing to ensure it qualifies for non-beverage product status under Montana liquor laws.

**Q: What about using my own home grown ingredients such as vegetables, fruits and eggs?**

A: You are allowed to use home grown vegetables, fruits and eggs in the products you produce for sale. Vegetables and fruits can be frozen for later use, as well. Safe food handling/processing guidelines should be followed, and all fruits and vegetables should be rinsed before use.

**Q: If I want to sell dairy products (such as goat cheese) and free-range eggs — what do I need to do to sell those?**

A: Dairy products and eggs are not eligible cottage food products. Contact the Montana Department of Livestock for more information. <http://liv.mt.gov/me/faq.mcp>

**Q: Do you have a recipe for making my own fruit and veggie wash?**

A: The Food and Drug Administration (FDA) recommends thoroughly washing produce under running water before eating, cutting or cooking. Use of soap, detergent, or commercial produce washes is not recommended.

**Q: Why is jam production allowed but canned fruits are not allowed?**

A: The preserved products allowed in Montana as cottage foods (jams, jellies, some fruit butters) have different characteristics than canned fruits and vegetables. Higher amounts of sugar in these products lower the water activity and therefore don't allow the growth of pathogens.

**Q: Do pet treats fall under Montana's Cottage Food Act?**

A: No, pet treats are not included in Montana's list of allowed cottage foods.

**Q: Are traditionally fermented foods allowed, for instance, lacto-fermented pickles and such?**

A: No, fermented foods are not covered under the Montana Cottage Foods Rules.

**Q: When using a recipe from the Ball Blue Book can you substitute honey for sugar?**

A: Not necessarily. Any substitutions can change the safety of a preserved product. If you want to try different substitutions in recipes, you may need to have your product tested to ensure it still meets the criteria for a non-potentially hazardous food.

**Q: What has to be on my cottage food label?**

A: The requirements for labeling are contained in [ARM 37.110.504](#), and are also listed in the Montana DPHHS Cottage Food Operation Guidance and Registration Application available on our website at [www.fcsc.mt.gov](http://www.fcsc.mt.gov).

**Q: How do I find the metric equivalent of the weight or volume of my final product?**

A: Use an online conversion site, or use the following conversion factors:

1 Ounce = 28.349 Grams  
1 Pound = 453.59237 Grams

1 US Fluid Ounce = 29.5735 Milliliters  
1 US Gallon = 3.785 Liters

**Q: How do you label a wedding cake that is unpackaged?**

A: For cakes that are not easily packaged, you must include all labeling requirements on the invoice and deliver the invoice with the cake directly to the consumer (purchaser).

**Q: If I have a cupcake truck and am selling single cupcakes without a package, can I put a sign up on the counter with the ingredients and the disclaimer?**

A: Cottage foods may not be sold from a truck or other venue that is not the producer's home, at a farmers' market, bazaar, or similar. This type of sale would require licensing through your local health department.

**Q: I want to bake gluten-free products. The recipes that I have do not have any gluten in them, but someone told me that since my kitchen is not "gluten-free" I cannot label them gluten-Free....how do I label them?**

A: You may indicate on the label that the product does not contain gluten but first be certain you follow the labeling requirements and be well educated about what ingredients contain gluten and how to prevent cross-contact with gluten in your kitchen. For information from FDA about gluten-free labeling, see: <http://www.fda.gov/Food/ResourcesForYou/Consumers/ucm367654.htm> .

**Q: Do I need to have my product tested by a lab?**

A: Any product, process or recipe that the local authority or DPHHS thinks may not be "non-potentially hazardous" must be submitted to a process authority for review and laboratory testing.

**Q: What about a sanitizer for my counter top and sink area?**

A: A sanitizer for your kitchen counters could be mixed in a food grade plastic spray bottle: 1 scant teaspoon of unscented household bleach (5.25% to 6%) in a quart of water. Spray onto your counter and let stand for one minute and then wipe off.

**Q: When a home is mentioned, does that also apply to my apartment?**

A: Yes, as long as the kitchen is in your primary residence. Do check on the policies of your landlord about operating a small business out of your home.

**Q: Would a home with a mother-in-law living space converted into a second kitchen be allowed as well?**

A: No, the kitchen must be in your primary residence.

**Q: I live in a co-housing community. There is a large kitchen in our Common House shared by all at various times. Can I use this kitchen?**

A: Yes, as long as the common kitchen is in your primary residence. Remember, only you are registered to produce the cottage food product.

**Q: Can you sell cottage foods to a small grocery store?**

A: No, the foods produced must be sold directly to the consumer and only from the producer's home, or at a farmers' market, bazaar, or similar venue. These foods can only be sold directly to the consumer or individual

purchasing the cottage food product as a gift. Selling or providing these food products to grocery stores or other retail food establishments is prohibited.

**Q: How about selling online?**

A: A cottage food operator may advertise and coordinate the sale for their approved products via the internet, social media, other electronic communications or phone. However, it must be a direct sale to the consumer.

**Allowed:**

- Purchaser pick up of products at the cottage food producers home
- Delivery of the products to the purchaser's home or an agreed upon meeting location by the producer

**Not Allowed:**

- Other third party delivery services such as a motorized or bike courier, USPS, UPS, FedEx, or any other mailing or shipping firm
- Amazon, eBay, or other similar services where the transaction does not include a face to face interaction between the buyer and seller

**Q: What is my liability as a cottage food business operating out of my home?**

A: You should check with your homeowner insurance company or your landlord if you are operating out of a rental property. Many homeowner insurance policies will not extend liability coverage to liabilities that result from the activities of a home-based business.

**Q: Am I expected to pay self-employment tax on our cottage business?**

A: Self-employment tax is a tax consisting of Social Security and Medicare taxes primarily for individuals who work for themselves. It is similar to the Social Security and Medicare taxes withheld from the pay of most wage earners. You must pay self-employment tax and file Schedule SE (Form 1040) if the following applies:

- Your net earnings from self-employment (excluding church employee income) were \$400 or more.

Note: The self-employment tax rules apply no matter how old you are and even if you are already receiving Social Security or Medicare.

See <https://www.irs.gov/businesses/small-businesses-self-employed/self-employed-individuals-tax-center> for more information.

**Q: How do I register my business name?**

A: If you are using a trade name that is different from your own legal name, you must register it with the Montana Secretary of State (for sole proprietorships & general partnerships).

<http://sos.mt.gov/business/Startup/index.asp>

**Q: What can I do to ensure I am still meeting legal requirements if my cottage food operation grows and I decide want to make another type of food product that is not on the approved food list or I want to sell to retail stores or in other states besides Montana?**

A: Contact your local Environmental Health office for licensing and requirements to expand the types of products produced or how the product can be sold.